

REMARKS

Claims 1 to 32 were pending in the application at the time of examination. Claims 1 to 32 stand rejected as anticipated.

Claims 2 to 17 and Claims 19 to 32 to have been amended to correct an informality. Since no § 112 rejections were given for the claims, the correction of the informality does not affect the patentability of these Claims.

Claims 1 to 32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0116702, hereinafter referred to as Aptus.

Applicant respectfully traverses the anticipation rejection of Claim 1. Applicant notes that for an anticipation rejection, the MPEP requires:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

.... < "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.

MPEP § 2131, 8th Ed., Rev. 3, p. 2100-76 (August 2005).

The MPEP requires that Aptus show the identical invention in as complete detail as contained in the claim. The rejection cited paragraph [0093] of as teaching exactly "a functional implementation of said main interfaces . . ." as recited in Claim 1.

Claim 1 recites in part "main interfaces defining versioning functionality. . . " Thus, the second element is a functional implementation of the main interfaces. The rejection cited paragraph [0089] of Aptus as teaching exactly the main interfaces.

Paragraph [0089] of Aptus stated:

[0089] In addition to the functionality described above, the improved software development tool integrates a version control system that permits programmers using different computers to work simultaneously on a software project by managing the various versions of the source code associated with the software project. The improved software development tool also enables programmers to interact with the version control system by manipulating a diagram or diagram element associated with a software project, thus facilitating the use of the version control system through a more intuitive interface and a more natural grouping of files. For example, FIG. 20 depicts data processing system 2000, which includes a number of computers 2002-2008 connected via a network 2010, where the users of the computers are using the version control system of the improved software development tool 610. On computers 2002-2006, software development tool 610 includes a client component 2012 of the version control system. On computer 2008, the software development tool 610 contains a server component 2014 of the version control system. Computer 2008 is pre-designated as containing a central repository 2016. Central repository 2016 is a shared directory for storing a master copy of project 612. Project 612 comprises all of the source files in a particular software project. Each of the computers 2002-2006 also includes a working directory 2007 that contains working copies of source files that programmers can make changes to without affecting the master copy in the central repository 2016

This paragraph describes generally a version control system and describes only "a more intuitive interface." It does not describe how this interface is implemented, and does not use "interface" as recited in Claim 1. Claim 1 does not recite just some interface, but rather a particular type of interface. In particular, Applicant defined:

An interface is a named collection of method definitions and defines a protocol of behavior that can be implemented by any class in the class hierarchy. An interface defines a set of method[s] but does not implement them.

Specification [0021]. The MPEP requires that this definition be considered in interpreting "interface" as recited in Claim 1. Specifically, the MPEP first directs:

During patent examination, the pending claims must be "given *>their< broadest reasonable interpretation consistent with the specification."

MPEP § 2111, 8th Ed., Rev. 3, p. 2100-46 (August 2005). The MPEP further elaborates on what this means. Specifically,

.... This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification.

....
It is only when the specification provides definitions for terms appearing in the claims that the specification can be used in interpreting claim language.

MPEP § 2111.01 I., 8th Ed., Rev. 3, p. 2100-47, 48 (August 2005). Applicant provided a clear definition of "interface" in the specification and according to the MPEP, this definition should be used in interpreting Claim 1.

When the proper interpretation is applied to the first element of Claim 1 in view of these requirements of the MPEP, Paragraph [0089] does not describe "main interfaces" that "define a set of methods," but instead is referring to a user interface. Accordingly, Aptus fails to satisfy the requirements for an anticipation rejection. This alone is sufficient to overcome the rejection.

However, paragraph [0093] of Aptus taught:

[0093] An example of a typical user interaction with the version control system via a diagram element will now be described. . . .

A user interaction with the version control system of Aptus fails to teach or even suggest how functionality of "main interfaces" are implemented. Accordingly, the anticipation rejection of Claim 1 is not well founded on multiple grounds. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of Claim 1.

Claims 2 to 14 depend from Claim 1 and so distinguish over the Aptus for at least the same reasons as given above for Claim 1, which are incorporated herein by reference. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 2 to 14.

Claim 18 stands rejected based on the rationale quoted above for Claim 1 with respect to paragraphs [0089] and [0093] of Aptus. Accordingly, the above comments with respect to Claim 1 are applicable to Claim 18 and are incorporated herein by reference. In addition, Applicant respectfully notes that the interpretation of the first and second libraries depends on the Claim being rejected--Compare the rejection of Claim 6 with

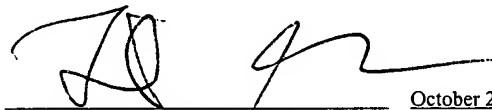
the rejection of Claim 18. The rejection itself demonstrates an inconsistency in the interpretation of Aptus and so is further evidence that Aptus fails to satisfy the requirements of the MPEP as quoted above. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of Claim 18.

Claims 19 to 32 depend from Claim 18 and so distinguish over the Aptus for at least the same reasons as given above for Claim 18, which are incorporated herein by reference. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 19 to 32.

Claims 1 to 32 remain in the application. Claims 2 to 17 and 19 to 32 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 20, 2005.



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October 20, 2005
Date of Signature

Respectfully submitted,



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